

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

R. Alexander Acosta, Secretary of Labor,	:	Case No. 1:18-cv-590
United States Department of Labor,	:	
	:	
Plaintiff,	:	Judge Susan J. Dlott
	:	
v.	:	
	:	Order
MICA Contracting, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	

Currently pending before the Court are the following motions: the Motion for Summary Judgment filed by Defendants J&E Builders, LLC, John Wayne House, and Elaine Merrick (Doc. 74); Defendants' Motion to Strike Declarations of Employee No. 1, Employee No. 2, and Employee No. 3 and Exhibits Thereto (Doc. 90); and Defendants' Motion to Strike Declarations and Exhibits of Wage and Hour Division Investigator Nikolai Bogomolov, Todd Haidet, Wayne McMillian, Mike Olding, Chris Kroger, and Gerardo Padilla (Doc. 91).

In responding to Defendants' Motion for Summary Judgment, the Secretary of Labor for the Department of Labor ("Secretary") filed three redacted employee declarations and an attachment of redacted text messages, which the Defendants now move to strike. The documents are filed as: (1) Declaration of Employee No. 1 (Doc. 81-6); (2) Declaration of Employee No. 2 (Doc. 81-7) and redacted text messages (Doc. 81-8); and (3) Declaration of Employee No. 3 (Doc. 81-9). These declarations have been translated from Spanish to English and the name and signature of the declarant along with other unknown information has been redacted. The Government argues that the redactions are justified by an informant's privilege.

The Court must review the unredacted documents in full to evaluate them and verify their legitimacy. The Court will also review whether the documents are properly redacted. The

Secretary is **ORDERED** to deliver the complete, unredacted declarations and attachment to chambers for an in camera review within 14 days of this Order. The Court will docket the filings under seal.

**IT IS SO ORDERED.**

  
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Judge Susan J. Dlott  
United States District Court